



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,409	12/09/2003	Kinji Yokoya	AK-434XX	3924
207	7590	06/14/2006	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP			RODRIGUEZ, RUTH C	
TEN POST OFFICE SQUARE				
BOSTON, MA 02109			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/731,409

Applicant(s)

YOKOYA ET AL.

Examiner

Ruth C. Rodriguez

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 12/04/05
13. ☐ Other: _____.


ROBERT J. SANDY
PRIMARY EXAMINER

Continuation of 3. NOTE: The proposed changes to the claim 1 are considered new issue because the finally rejected claim 1 was directed to a coupling structure comprising a bearing sleeve detachably mounted to a motor shaft and the injection device was not considered since the limitations to the injection device were part of the preamble.

Regarding to the applicant's comments about the premature finality of the last office action, the Examiner fails to be persuaded by these arguments. The Examiner understands that the limitations of the original claim were "re-worded" to address the Examiner's concerns, however, the changes made to the claim introduced new limitations and also changed the scope of the claim. The newly added limitations were that the bearing sleeve has "an inner diameter for engaging one end of the screw shaft" and "a rear portion disposed at the rear of the flange that is formed into a size". Additionally, the scope of the claim changed from a coupling structure being claimed in combination with a screw shaft and a motor shaft where the connection of the screw shaft to the bearing sleeve is positively claimed to a claim where the coupling structure comprises a bearing sleeve in combination with the motor shaft and a screw shaft where the connection of the screw shaft to the bearing is not positively claimed since the connection of the bearing sleeve to the screw shaft is only claimed with intended use language by the limitation "an inner diameter for engaging one end of the screw shaft". Finally, the arguments provided by the Applicant about the patentability of claim 1 fail to persuade. Regarding to the failure of Shiraishi of disclosing the details on how the injection screw driving body works, these arguments are not considered because the proposed claim with these details is not being entered since the changes of the claim have new issues. The Applicant also argues the Shiraishi fail to disclose motor shaft splines engaging with a screw shaft spline. In the first place this limitation is not positively recited in the claim so it does not have to be considered, however, paragraph 5 recites that the screw shaft and the bearing sleeve are "spline-connected" and paragraph 0027 recites that the working structure of the invention is similar to the working structure of the prior art shown in Figure 1. The Applicant also argues that Shiraishi fails to disclose "an air-tight seal" formed by the ring member being claimed in claim 2. This argument fails to persuade because the limitation "for air-tightly sealing a clearance formed between the screw shaft and the bearing sleeve is fitted into the annular groove" is considered intended use language and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).